



**RESPONSE TO COMMENTS
RECEIVED ON THE
APPLICATION AND DRAFT PERMIT
For The
CONTRACT ENVIRONMENTAL SERVICES CLASS V
LANDFILL**

A 30-day public comment period on the permit application and draft permit for the Contract Environmental Class V Landfill, submitted by Contract Environmental Services, Inc., ended February 11, 2005. A public hearing was held in the Blanding City Council Chambers, at 7:00 PM on Wednesday, February 9, 2005. No statements were made for the record at the public hearing. The Division of Solid and Hazardous Wastes (Division) received two written comments during the comment period. Responses to the comments received are provided below.

WRITTEN COMMENTS

The following comments have been summarized but reflect the intent of the comment in each case.

Comment:

Commenters expressed concern that the landfill facility is within less than one mile of the Square Tower Unit of the Hovenweep National Monument. Square Tower Unit is also on the National Register of Historic Places.

Response:

Utah Administrative Code (UAC) R315-302-1(2)(a)(iv)(B) requires a ¼ mile separation between the landfill boundary and a site on the National Register of Historic Places. The Contract Environmental Services, Inc. landfill site meets this requirement.

Determination:

No change to the permit or related action is required by the Executive Secretary of the Solid and Hazardous Waste Control Board.

Comment:

Commenters expressed concern that the landfill would affect the solitude of the area and the experience of visitors to the Hovenweep National Monument site. A general concern was expressed that a landfill does not fit with the surrounding area and its various uses. Also, one commenter stated that the facility does not meet the current zoning requirements for the area.

Response:

The statute and rules administered by the Division of Solid and Hazardous Waste address the environmental impact of waste disposal and management. These legal authorities do not authorize the Division to address issues relating to land use decisions as determined by local government. This and other issues such as traffic and aesthetics are best handled at the local level through zoning and land use decisions. Enforcement of any local ordinances and zoning is the responsibility of San Juan County or other local government agencies with responsibility for the landfill site.

The landfill is located several hundred yards from the road that provides access to the nearest Hovenweep Monument unit. This distance and the limited scope of the operation (the landfill accepts only asbestos waste that arrives on an irregular basis) will limit the disturbance of visitors to the Monument. Noise from equipment operation at the site is also limited since no equipment will be used for compaction of the waste.

Determination:

No change to the permit or related action is required by the Executive Secretary of the Solid and Hazardous Waste Control Board.

Comment:

One commenter expressed concern that the National Park Service, Hovenweep National Monument was listed as a possible location for an emergency phone if cell phone service was interrupted at the landfill site. The commenter stated that the Monument couldn't be relied upon for emergency communications.

Response:

UAC R315-303-3(7)(i) requires that the landfill operator provide communications for emergencies. The permit application states that cellular phone service is available at the site. However, because the available cellular phone service is subject to outages, the permit applicant listed the nearby phone at Hovenweep as one that could be available in an emergency when the cellular phone service is unavailable. Implicit in the statement about the use of the phone at Hovenweep is that the visitor center would have to be open. The permittee was not implying the Park Service employees at Hovenweep are responsible, and the Division does not expect them to be available, to respond to emergencies or to provide anything that would not be expected of any facility if presented the opportunity to provide assistance in an emergency.

Determination:

No change to the permit or related action is required by the Executive Secretary of the Solid and Hazardous Waste Control Board.

Comment:

One commenter expressed concern about the hazard of handling, transporting, and disposing of asbestos-containing waste. The commenter also expressed concern about the degree of monitoring and oversight that the facility will receive.

Response:

As the owner/operator of a permitted facility, Contract Environmental Services will be required to meet all of the applicable standards that are in place to protect public health and the environment. Compliance with these regulatory standards and permit conditions by Contract Environmental Services will serve to ensure that protection.

Material that contains friable asbestos or asbestos-containing waste is not a hazardous waste under federal regulations or Utah rules. However, it is a special waste under R315-315 of the Utah Administrative Code (UAC). The facility owned by Contract Environmental Services, Inc. is restricted to receiving and disposing asbestos-containing waste. When used in building materials, asbestos-containing waste has all of the general characteristics of construction and demolition (C/D) waste, but also requires special handling procedures during disposal. The Contract Environmental Services landfill is required to meet all of the special handling requirements for asbestos-containing waste. Also, in order to avoid any disturbance of the landfill following closure, the Contract Environmental Services landfill has certain restrictions in place for its future use. When asbestos-containing waste is properly handled and disposed, the resulting risks to public health and the environment from friable asbestos exposure are eliminated. As a potential airborne concern, the Utah Division of Air Quality also regulates the removal, transportation and disposal of waste that contains friable asbestos. The Contract Environmental Services landfill will also be subject to the applicable rules administered by the Division of Air Quality. All of these regulations have the protection of the public health and the environment as their purpose and goal.

The Division of Solid and Hazardous Waste provides oversight for all landfill facilities in Utah and will provide that same oversight for the Contract Environmental Services, Inc. facility. The Southeastern Utah District Health Department can provide additional oversight support to the Division.

Determination:

No change to the permit or related action is required by the Executive Secretary of the Solid and Hazardous Waste Control Board.